

II. REMARKS

Claims 1 and 12 were cancelled without prejudice.

Claims 2, 3, 5, 6, 7, and 13 through 16 were amended to more clearly define the subject matter of the invention and thereby place all of the claims remaining in the application in condition for allowance.

Claims 17 through 35 have been withdrawn with traverse as a result of an earlier restriction requirement. The non-elected claims have been withdrawn in order to advance prosecution of the present application. This claim cancellation, however, is without inference of abandonment of the subject matter recited in such non-elected claims, and without prejudice to applicants' right to file one or more divisional or other continuing applications directed to the subject matter of the non-elected claims and entitled to the filing date of the present application.

Claims 36 through 40 were added to define patentable aspects of Applicant's invention. Claim 36 is directed to the previously disclosed height adjusting jack. Claim 37 is directed to the previously disclosed electrical service box. Claims 38 and 40 are directed to the previously disclosed pivotable links and the pivotable mounting of the floor finishing units to the frame. Claim 39 is directed to the previously disclosed multiple groups of floor finishing units arranged in a nested delta pattern. No new matter was presented and such amendments are deemed unobjectionable as supported in the originally filed specification and drawings.

Thus, claims 2 through 11, 13 through 16, and 36 through 40 are pending in the present application. Entry thereof is respectfully requested. It is also respectfully requested that the Examiner reconsider the present application and claims as currently pending in view of the following remarks.

A. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 2, 5 through 8, 10, 12, and 13 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent 4,570,388 to Tano et al. ("Tano"). Applicant respectfully asserts that the rejection of claim 1 is now moot in view of the cancellation of independent claim 1. Applicant respectfully asserts that currently amended independent claim 2 and original independent claim 10 are not anticipated by Tano and therefore traverses the rejection of claims 2, 5 through 8, and 10, 12, and 13.

1. Amended Independent Claim 2 and Original Independent Claim 10

Applicant's independent claims 2 and 10 recite, *inter alia*, a power cleaning and sanding machine comprising a plurality of floor finishing units mounted to a frame wherein at least one floor finishing unit includes an abrasive grit different from at least one other of the plurality of floor finishing units.

Nowhere in the Tano reference is there any disclosure regarding at least one floor finishing unit including an abrasive grit different from at least one other floor finishing unit. In fact, the Office Action does not address the limitation in Applicant's claims of different abrasive grits. Independent claims 2 and 10 are thereby distinguishable over the Tano reference, which therefore cannot anticipate independent claims 2 and 10.

2. Amended Independent Claim 13

Applicant's independent claim 13 recites, *inter alia*, a frame for use in combination with a floor finishing unit, wherein the frame comprises a strut, a beam attached to the strut, and a link attached to the beam, wherein the link is pivotably mounted to the beam.

The Tano reference appears to disclose a truck 1, a holding arm 16 ("beam" per Office Action) fixed at one end to the truck 1, and a holding cylinder 17 ("link" per Office Action) fixed to another end of the holding arm 16 (col. 2, lines 55-60). Tano appears to

teach use of a cleaner 11 that is loosely fit within and, therefore tiltable with respect to, the holding cylinder 17. But nowhere in the Tano reference is there any disclosure regarding the holding cylinder 17 (link) being pivotably mounted to the holding arm 16. Rather, Tano specifically discloses that the holding cylinder 17 (link) is fixed to the holding arm 16. A “fixed” link is very different from a “pivotable” link and, therefore, independent claim 13 is thereby distinguishable over the Tano reference, which therefore cannot anticipate independent claim 13.

3. Identity Requirement

With respect to the rejection of independent claims 2, 10, and 13, the Tano reference fails to disclose each and every element as arranged therein. The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the claimed invention is distinguishable over the cited reference and, thus, the cited reference fails to anticipate the claimed invention. In addition to the *Lindemann* test of anticipation, the “identical invention must be shown in as complete detail as is contained in

the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

4. Conclusion

Based upon the above argument, Applicant respectfully submits that the Tano reference does not disclose each and every element arranged as in claim 2, 10, or 13 of Applicant's independent claims. Therefore, in applying the test for anticipation as set forth above in *Lindemann*, Tano does not anticipate independent claim 2, 10, or 13. Further, under principles of claim dependency and for at least the reasons stated above, Tano does not anticipate any of the dependent claims either. Accordingly, reconsideration and withdrawal of the rejection of claims 2, 5 through 8, and 10, 12, and 13, under 35 U.S.C. § 102 is respectfully requested.

B. Non-Obvious

Applicant's invention is an unobvious improvement over the cited references and not an obvious modification or combination of any of the references of record in this application. When viewed singularly or collectively, none of the cited references discloses, teaches, or even suggests the subject matter of Applicant's original, amended, or new independent claims. Thus, independent claims 2, 10, 13, and 36 through 40 are not rendered obvious by any of the cited references.

C. Allowable Subject Matter

The Office Action objected to claims 3, 4, 9, 11, and 14 through 16 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the amendments as well as the arguments set forth above, it is respectfully submitted that Applicant's independent claims are allowable. Accordingly, since

dependent claims 3, 4, 9, 11, and 14 through 16 are but further delineations of the allowable independent claims from which they depend, the objected to dependent claims 3, 4, 9, 11, and 14 through 16, by definition, are also allowable.

Applicant thus respectfully traverses the objection in view of the arguments set forth above for the reason that Applicant's invention is novel and not an obvious improvement over the cited references. Reconsideration and withdrawal of the objections of claims 3, 4, 9, 11, and 14 through 16, and formal allowance thereof, is respectfully requested.

III. CONCLUSION

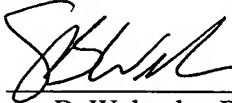
In view of the foregoing remarks, the Applicant respectfully submits that the pending independent and dependent claims are in proper form, define patentably over the cited references, and are all allowable. Applicant, therefore, respectfully requests that the Examiner's objections and rejections under 35 U.S.C. § 102 be reconsidered and withdrawn and that a formal and timely Notice of Allowance of the application be issued.

If the Examiner has any questions with respect to any matter now of record, the Applicant's attorney may be reached at the telephone number below. Enclosed please find Check No. 7927 in the amount of \$88.00 for the two (2) additional independent claims. Please grant any required extensions of time and charge any additional fees due in connection with this request to deposit account no. 50-0852.

Respectfully submitted,

REISING, ETHINGTON,
BARNES, KISSELLE, P.C.

Date: 11/9/04

By 
Steven B. Walmsley Reg. No. 48,021
Steven L. Permut Reg. No. 28,388
P.O. Box 4390
Troy, Michigan 48099-4390
(248) 689-3500